

REMARKS

Formal Objections

In response to the objection to the drawings in paragraph 1 of the Office Action, an amended sheet is included that corrects errors in the drawings on that sheet. In response to the Examiner's comments in paragraph 2 of the Office Action regarding errors in the specification, amended paragraphs correcting these errors are included.

Section 102 and 103 Rejections

The Office Action rejected claims 1, 2, 5, 6, 9-12, 15, 16, 20-22, 24-26, 27, 30, 31, 33, 34, 36, 38, 39 and 41 under 35 U.S.C. 102(b) as anticipated by Edwards, and claims 3, 8, 13, 14, 18, 19, 23, 28, 29, 32, 35, 37 and 40 under 35 U.S.C. 103(a) as unpatentable over Edwards in view of Barker.

Applicant has amended remaining independent claim 1 to specify a method using a viscous treatment substance in the form of a gel or microspheres containing a tissue necrosis agent, the gel or microspheres limiting the substance to a localized tissue area, with the treatment fluid is directed with a non-invasive imaging technique, thereby causing selective tissue necrosis. The cited art does not teach or suggest this combination, which provides an effective method for selectively destroying diseased tissue while minimizing damage to surrounding healthy tissue. Applicant believes amended claim 1 distinguishes over Edwards, the combination of Edwards and Barker, and the combination of U.S. Patent No. 6,231,591 and Unger (cited for obviousness-type double-patenting with respect to claims 1-28 of the '591 patent). With respect to the obviousness-type double-patenting rejection in view of U.S. Patent No. 6,461,296, Barker, and Unger, a terminal disclaimer is provided.

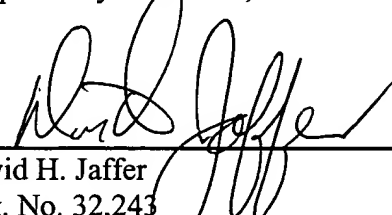
CONCLUSION

Applicant has amended the specification and drawing as required, has amended the claims to distinguish the cited art, and submits a terminal disclaimer with respect to U.S. Patent No. 6,461,296.

If any further questions should arise prior to a Notice of Allowance, the Examiner is invited to contact the attorney at the number set forth below.

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Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: MAIL STOP FEE AMENDMENT, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on October 8, 2003, by Diana Dearing.